

**REMARKS****Status of the Claims**

Claims 1-43 are currently pending in the application. Claims 1-43 are subject to a Restriction Requirement and Species Election. (*See*, Office Communication of July 30, 2008, hereinafter, "Office Communication"). Claims 1-31 and 38-43 are withdrawn as being drawn to a non-elected invention. Claims 21-24, 32 and 34-43 have been amended without prejudice or disclaimer. No new matter has been added by way of the present amendments. Specifically, the amendments to claims 34-37 are to correct improper multiple dependencies. The amendment of claims 21-24 and 38-43 are to convert improper "use" claims into either method claims or composition claims and are generally supported by the specification. All other amendments are to address minor grammatical issues. Reconsideration is respectfully requested.

**Restriction Requirement/Election of Species**

Claims 1-43 are subject to a Restriction Requirement under 35 U.S.C. §§ 121 and 372 for reciting inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. (*See*, Office Communication, at pages 2-5).

**For the purpose of examination of the present application, Applicants elect, without traverse, Group VI, claims 32-37.**

**Species Election**

The Examiner has further required election of a species within the claims of Group I. (*See, Id.* at pages 5-7). However, since Applicants have herein elected to pursue the claims of

Group VI, it is believed that the Species Election is a moot point and no further response is required. For instance, the Examiner states that the "application contains claims directed to the following patentably distinct species for means of detecting dlk gene expression (Group I)." (*Id.* at page 5).

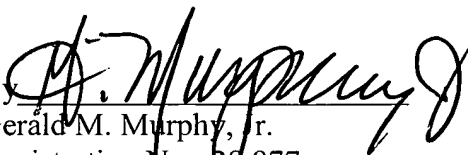
### CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: SEP 2 2008

Respectfully submitted,

By 

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